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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2012-586

JAMES STOREY PERRYMAN
327 N. Depot St.
Leary, GA 31762
Registered Nurse License No. 573502

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about April 2, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2012-586 against James Storey Perryman ("Respondent") before the Board of Registered Nursing.

2. On or about October 30, 2000, the Board of Registered Nursing ("Board") issued Registered Nurse License No. 573502 to Respondent. The Registered Nurse License expired on February 28, 2004, and has not been renewed. Pursuant to Business and Professions Code ("Code") section 118, this lapse in licensure does not deprive the Board of its jurisdiction to maintain this disciplinary action against Respondent's license.

3. On or about April 2, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2012-586, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at

1 Respondent's address of record which, pursuant to California Code of Regulations, title 16,
2 section 1409.1, is required to be reported and maintained with the Board. Respondent's address
3 on record with the Board was and is:

4 **327 N. Depot Street**
5 **Leary, GA 31762.**

6 4. On or about April 2, 2012, Respondent was served by Certified and First Class Mail
7 copies of the Accusation No. 2012-586, Statement to Respondent, Notice of Defense, Request for
8 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
9 the following address:

10 **1211 Newport Place**
11 **Macon, GA 31210**

12 5. Service of the Accusation was effective as a matter of law under the provisions of
13 Government Code section 11505, subdivision (c) and Business & Professions Code section 124.

14 6. On or about April 26, 2012, the domestic return receipt, for the documents mailed to
15 Respondent at the 327 N Depot Street address, was returned to the Board indicating that the
16 documents were delivered to Respondent on April 11, 2012 at the address of 4780 N. Depot
17 Street. The aforementioned documents served via First Class Mail to both address and Certified
18 Mail to the 1211 Newport Place address were not returned by the U.S. Postal Service as
19 undeliverable.

20 7. Government Code section 11506 states, in pertinent part:

21 (c) The respondent shall be entitled to a hearing on the merits if the respondent
22 files a notice of defense, and the notice shall be deemed a specific denial of all parts
23 of the accusation not expressly admitted. Failure to file a notice of defense shall
24 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
25 may nevertheless grant a hearing.

26 8. Respondent failed to file a Notice of Defense within 15 days after service upon him
27 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
28 2012-586.

9. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the
hearing, the agency may take action based upon the respondent's express admissions
or upon other evidence and affidavits may be used as evidence without any notice to

respondent.

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2012-586, finds that the charges and allegations in Accusation No. 2012-586, are separately and severally, found to be true and correct by clear and convincing evidence.

11. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$357.50 as of April 26, 2012.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent James Storey Perryman has subjected his Registered Nurse License No. 573502 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case.:

a. **Disciplinary Action by the Georgia Board of Nursing.** Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct in that Respondent's registered professional nurse license was disciplined by the Georgia Board of Nursing ("Georgia Board").

i. On or about November 18, 2009, in the disciplinary action entitled *In the Matter of James Storey Perryman License No: RN 136112*, the Georgia Board accepted the voluntary surrender of Respondent's registered professional nurse license. Respondent acknowledged that the surrender would have the same effect as a revocation of his license.

1 ii. The basis for the surrender is that on or about March 2007, pursuant to its
2 receipt of information regarding discrepancies in Respondent's charting
3 and administration of controlled substances and his admission to the use of
4 marijuana, the Georgia Board issued to the Respondent an Order for a
5 mental/physical examination ("Order"). The Order required the
6 Respondent to undergo the mental/physical examination within fourteen
7 days of receipt of the Order, and to ensure that the documentation of the
8 results of such examination was received in the Georgia Board offices
9 within thirty days of receipt of the Order. On or about April 5, 2007, the
10 Order was received at the Respondent's address of record with the Georgia
11 Board. However, Respondent failed to comply with the Order.

12 **b. Unprofessional Conduct.** Respondent is subject to disciplinary action under
13 Code section 2761, subdivision (a), in that Respondent committed acts of unprofessional conduct.
14 The conduct is more particularly described in paragraph 3, subparagraph (a)(i-ii), inclusive,
15 above, and herein incorporated by reference.

16 ///

ORDER

IT IS SO ORDERED that Registered Nurse License No. 573502, heretofore issued to Respondent James Storey Perryman, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 31 2012.

It is so ORDERED August 1 2012

Raymond Thaller

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

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DOJ Matter ID:LA2012506407

Exhibit A

Accusation Case No. 2012-586

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Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2012-586**

11 **JAMES STOREY PERRYMAN**
12 **327 N. Depot St.**
Leary, GA 31762
13 **Registered Nurse License No. 573502**

ACCUSATION

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs.

21 2. On or about October 30, 2000, the Board of Registered Nursing issued Registered
22 Nurse License Number 573502 to James Storey Perryman ("Respondent"). The Registered Nurse
23 License expired on February 28, 2004, and has not been renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code ("Code") unless otherwise indicated.
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1 13. On or about March 2007, pursuant to its receipt of information regarding
2 discrepancies in Respondent's charting and administration of controlled substances and his
3 admission to the use of marijuana, the Georgia Board issued to the Respondent an Order for a
4 mental/physical examination ("Order"). The Order required the Respondent to undergo the
5 mental/physical examination within fourteen days of receipt of the Order, and to ensure that the
6 documentation of the results of such examination was received in the Georgia Board offices
7 within thirty days of receipt of the Order. On or about April 5, 2007, the Order was received at
8 the Respondent's address of record with the Georgia Board. However, Respondent failed to
9 comply with the Order.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct)**

12 14. Respondent is subject to disciplinary action under Code section 2761, subdivision
13 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more
14 particularly described in paragraphs 12 and 13, inclusive, above, and herein incorporated by
15 reference.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Board of Registered Nursing issue a decision:

19 1. Revoking or suspending Registered Nurse License Number 573502, issued to James
20 Storey Perryman;

21 2. Ordering James Storey Perryman to pay the Board of Registered Nursing the
22 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
23 Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: April 2, 2012

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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